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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 7940**
Yukiko YOKOI et al. : Attorney Docket No. 2005_0520A
Serial No. 10/530,046 : Group Art Unit 1617
Filed April 1, 2005 : Examiner R.A. Houghtling

ANTIBIOTIC PHARMACEUTICAL
COMPOSITION WITH IMPROVED ORAL
ABSORBABILITY

Mail Stop: AMENDMENT

RESPONSE TO RESTRICTION/SPECIES ELECTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

Sir:

This paper is in response to the Restriction Requirement dated December 28, 2007.

First, in reply to the Restriction, Applicants hereby elect the invention identified as Group I, claims 1-26, without traverse.

Upon allowance of the elected claims, the Examiner is requested to consider the possibility of rejoinder per M.P.E.P. § 821.04.

Second, for the species, Applicants elect hydroxypropylmethyl cellulose (in Example 10 of the disclosure) as the species of water-soluble high polymer. It is respectfully submitted that at least claims 1-26 are readable on the elected species.

Also, in accordance with US practice, please examine additional species upon a determination of allowability of the elected species.


Third, please clarify the election-of-species requirement in item 3 on page 6 of the Action. It appears that something has been omitted from the election-of-species requirement (such as a list of species to elect from), because the only identified species is "(1) a polymer, water-soluble high." Accordingly, there are no alternative species for Applicants to elect.

Further, the Office did not identify any generic claims for such. Thus, it is unclear which species the Office wants the Applicants to elect from. Please clarify, and if necessary, issue a new Restriction Requirement clearly identifying the alternative species for Applicants to choose from. Alternatively, if no further election-of-species is required, then please proceed with the elections noted above.

Favorable action on the merits is now requested.

Respectfully submitted,

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